

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL J. SCHAEFER,

Plaintiff,

v.

CHIPPEWA COUNTY, WI,
STATE OF WISCONSIN,
JAMES B. SHERMAN and JIM DOYLE,

Defendants.

ORDER

10-cv-565-bbc

On October 4, 2010, the court stayed plaintiff Michael Schaefer request to proceed in forma pauperis, providing him the opportunity to supplement his affidavit of indigency to include his actual income for the last 12 months. He has now submitted this information.

The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must

prepay half the fees and costs.

- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff's monthly income is \$824 and his wife's monthly income is \$1582. Under Wisconsin's marital property laws, plaintiff's wife's income is considered to be plaintiff's as well. Thus, plaintiff has a monthly income totaling \$2,406, which makes his annual income \$28,872. Because plaintiff's income falls in the \$16,000 to \$32,000 range, he must prepay half of the \$350 fee for filing this case. Once payment has been received, the court will review the merits of plaintiff's complaint to determine whether one or more claims must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff is seeking money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff Michael J. Schaefer is to pay \$175 of the \$350 filing fee as a condition of proceeding in this action in forma pauperis not later than November 8, 2010. If, by November 8, 2010, plaintiff fails to make the required payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In

that event the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 19th day of October, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge